

NOV 13 2012

REVISED DATE: 09/2001

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY [Signature] DEP CLK

FORM TO BE USED BY A STATE PRISONER IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. SECTION 1983 OR BY A FEDERAL PRISONER IN FILING A BIVENS CLAIM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISIONNO. 5:11-CT-3244-F
(leave this space blank)ROYLIN JUNIUS BEALE

(enter full names of each plaintiff(s))

v.
Deputy J. P. Madigan / Captain Phillips
Officer R. Blow Jr.
Officer Harless
Officer PeeleInmate Number 55357-056

(enter full names of each defendant(s))

I. HAVE YOU BEGUN OTHER LAWSUITS IN FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION? YES () NO (X)

If your answer is YES, describe the former lawsuit in the space provided below:

II. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT TO THE STATE INMATE GRIEVANCE PROCEDURE? YES (X) NO ()

If your answer is YES:

1. What steps did you take? In the pitt county jail there's only a one-step procedure... (cont.)
2. What was the result? (Attach copies of grievances or other supporting documentation.)

My grievance was returned to me unresolved and with the captain stating... (cont.)

(CONTINUED FROM PAGE 1)

1) What steps did you take?

A) IN THE PITT COUNTY JAIL THERE'S ONLY A ONE-STEP PROCEDURE FOR GRIEVANCES, AND THAT I FOLLOWED BY SUBMITTING MY GRIEVANCE TO THE SHIFT SERGEANT WHO THEN FORWARDED IT TO THE CAPTAIN.

2) What was the result? (ATTACH COPIES OF GRIEVANCES OR OTHER SUPPORTING DOCUMENTATION.)

A) MY GRIEVANCE WAS RETURNED TO ME UNRESOLVED AND WITH THE CAPTAIN STATING THAT "APPROPRIATE FORCE WAS USED". I THEN PROCEEDED TO REPEAT THE ONE-STEP GRIEVANCE PROCEDURE, BUT AGAIN, IT WAS UNRESOLVED.

VERIFIED STATEMENT

I have been advised of the requirements regarding exhaustion of administrative remedies and now submit this verified statement.

(Please choose the box that applies to your action):

 There are no grievance procedures at the correctional facility at which I am being confined.

 This cause of action arose at _____, and I am now being housed at _____. Therefore, I do not believe I have administrative remedies relating to this complaint at this time.

 X I have exhausted my administrative remedies relating to this complaint and have attached copies of grievances demonstrating completions.

III. PARTIES:

In Item "A" below, place your name in the first blank and your present address in the second blank. Do the same for additional plaintiffs, if any. NOTE: ALL PLAINTIFFS LISTED IN THE CAPTION ON THE FIRST PAGE SHOULD BE LISTED IN THIS SECTION.

A. Name of Plaintiff: ROULIN JUNIUS BEALE
 Name of Present Confinement COLEMAN 2 (FBOP) USP
 Address of Present Confinement P.O. Box 1034, COLEMAN, FL 33521

In Item "B" below, place the full name of defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item (C) through (F) for additional defendants. NOTE: ALL DEFENDANTS LISTED IN THE CAPTION ON THE FIRST PAGE SHOULD BE LISTED IN THIS SECTION.

B. Defendant DEPUTY J.P. MADIGAN
 Position DEPUTY SHERIFF
 Employed at PITT COUNTY SHERIFF'S DEPARTMENT
 Address 500 SOUTH GREENE STREET, GREENVILLE, N.C. 27834
 Capacity in which being sued: Individual ☒ Official () Both ()

C. Defendant OFFICER R. BLOW JR.
 Position OFFICER
 Employed at PITT COUNTY DETENTION CENTER
 Address 124 NEW HOPE RD. GREENVILLE, N.C. 27834
 Capacity in which being sued: Individual ☒ Official () Both ()

- D. Defendant Officer Harless
Position Officer
Employed at Pitt County Detention Center
Address 124 New Hope Rd. Greenville, N.C 27834
Capacity in which being sued: Individual ☒ Official () Both ()
- E. Defendant Officer Peele
Position Officer
Employed at Pitt County Detention Center
Address 124 New Hope Rd. Greenville, N.C 27834
Capacity in which being sued: Individual ☒ Official () Both ()
- F. Defendant Captain Phillips
Position Captain
Employed at Pitt County Detention Center
Address 124 New Hope Rd. Greenville, N.C 27834
Capacity in which being sued: Individual ☒ Official () Both ()

IV. STATEMENT OF CLAIM

State here as briefly as possible the FACTS of your case. Describe how each defendant is involved. Include also the names of the other persons involved, dates and places. **DO NOT GIVE ANY LEGAL CITATIONS OR ANY LEGAL ARGUMENTS OR CITE ANY STATUTES.** If you wish to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

On the date of 2-19-11 at approximately 12:30 AM I was brought into the
pitt county detention center by Sheriff Deputy "J.P. Madigan" of the pitt
county Sheriff's department, handcuffed behind my back. Shortly after,
I and Officer "Harless", who was working the front desk in the intake
area, engaged in a verbal confrontation that led to him (Officer Harless)
becoming angered and attempting to force me, physically, to sit. When I
refused by snatching away from his grasp he alerted Officer "R. Blow Jr",
Officer "Peele", and one more officer who's name I can't recall, for as-
sistance. The four of them proceeded to savagely drag me into a room desig-
nated as an inmate dressing room. Once there, I was aggressively slammed

ON MY FACE CAUSING AN INCISION UNDER THE LEFT CORNER OF MY LEFT EYE. Notwithstanding the fact that I WAS STILL RESTRAINED WITH MY HANDS CUFFED BEHIND MY BACK AND LYING FACE-DOWN ON THE FLOOR SURROUNDED BY FOUR "DETENTION CENTER STAFF", Deputy Sheriff J. P. Madigan pulled and shot ME with his tazer-gun while subsequently pulling the trigger several times, EXCEEDING THE AMOUNT OF TIMES ALLOWED TO pull the trigger. Not only did he taze ME NUMEROUS TIMES, he also "Dry tazed" ME immediately after. While UNCONSCIOUS, I WAS STRIPPED OF MY CLOTHING AND PLACED ON A CONCRETE SLAB WHERE I WAS AWAKENED BY A NURSE BREAKING AN AMONIA STICK UNDER MY NOSE. WITHOUT ANY FURTHER MEDICAL TREATMENT OR EVALUATION, I WAS TAKEN TO A CELL AND THE CUFFS WERE REMOVED. I WAS PREVENTED FROM SEEING THE NURSE FOR THREE DAYS. THEY WERE IN VIOLATION OF THE EIGHTH AMENDMENT.

(RELATED CLAIMS)

#1) "HUDSON V. McMillian"

#2) "BUCHNER V. Hollins"

** 3) "FARMER V. BRENNAN"

UPON SUBMITTING A GRIEVANCE TO "CAPTAIN PHILLIPS" OF THE PITT COUNTY DETENTION CENTER, HE REPLIED BY STATING THAT THE FORCE USE WAS "APPROPRIATE" AND FAILED TO REMEDY MY COMPLAINT, NOR DID HE REVIEW THE FOOTAGE (CAMERA) AS REQUESTED. HE ONLY ACTED AS IF EVERYTHING WAS "LEGAL."

V. RELIEF SOUGHT BY PRISONER

State briefly exactly what you want the Court to do for you. MAKE NO LEGAL ARGUMENTS. DO NOT CITE CASES OR STATUTES.

I WOULD LIKE TO SUE Deputy Sheriff "J. P. MADIGAN" IN HIS INDIVIDUAL CAPACITY FOR MONETARY DAMAGES BY THE AMOUNT OF \$500,000.00. I WOULD ALSO LIKE TO SUE THE OTHER OFFICERS INVOLVED (OFFICER(S) HARLESS, R. BLOW JR., AND OFFICER PEELE) IN THEIR INDIVIDUAL CAPACITIES FOR AN ADDITIONAL \$50,000.00 EACH UNDER THE "FARMER" DELIBERATE INDIFFERENCE STANDARD. LASTLY, I WOULD LIKE

to sue Captain Phillips in his individual capacity for monetary damages
by the amount of \$100,000.00 for gross negligence.

Signed this 2nd day of Nov., 2012.

Rashli Beale
Signature of Plaintiff

Signature of other Plaintiffs
(if necessary)

I declare under penalty of perjury that the foregoing is true and correct.

11-2-2012
Date

Rashli Beale
Signature of Plaintiff

Signature of other Plaintiffs
(if necessary)